

DISTRICT COURT (FIFTH DISTRICT : WASHINGTON COUNTY) [1682]

CRIMINAL CASE FILES, 1896-1955.

8 microfilm reels

DESCRIPTION: Case files are made up of the various documents filed with the Fifth District Court in Washington County pertaining to each specific case. The records usually contain information such as the case number, and the names of the defendants, counsel, jurors, and witnesses. The case file may include complaints, indictments, subpoenas, verdicts, warrants of arrest, execution or confinement, warrant returns, affidavits, orders, judgments, appeal notices. Files rarely include transcripts of testimony.

First, second, and third degree felony cases are the predominant case file type within this series (a major crime for which the maximum imprisonment is more than one year in a state correctional institution). This would include first degree offenses such as murder, rape, aggravated kidnapping, aggravated burglary and robbery, arson, and possession with intent to distribute drugs. Second degree offenses include: manslaughter, robbery, residential burglary, kidnapping, perjury, forgery, theft of property valued over \$1,000.00, forcible sexual abuse, and intentional child abuse. Third degree felonies include: burglary of non-dwellings, theft, aggravated assault, forgery, unlawful sexual intercourse, joyriding, possession with intent to distribute marijuana or cocaine, and false or forged prescriptions.

This series also contains misdemeanor cases which are punishable by a county jail term of up to one year and/or a fine. Misdemeanors include: negligent homicide, driving under the influence, theft, assault on a police officer, criminal mischief, resisting arrest, reckless driving, possession of marijuana, shoplifting, trespassing, and possession of a concealed weapon.

Juvenile cases tried prior to 1907 can also be found in this series. In 1907, a separate statewide juvenile court was established allowing juvenile court jurisdiction in all matters involving children 18 years of age and younger, including parents and guardians of juvenile

delinquents.

Missing cases should not be found in appellate court records since the Supreme Court is required by law [Rule 76 (d)] to remit their decision to the District Court "together with such papers transmitted to the Supreme Court on appeal." Furthermore, Rule 75 (n) states that after the appeal has been disposed of, any original papers should be returned to the custody of the district court. Cases which are appealed to the District Court from lower courts will be found in this series.

ARRANGEMENT: Case files are arranged numerically by case number.

RESEARCH NOTE: Formal jacketing of case files begins with case #76. Prior to that case files were housed in tri-fold jackets. These tri-fold jackets often contain the case file number, however many of the early cases are missing their jackets and will need to be identified by defendant name.

RELATED RECORDS: Series 25159 , CRIMINAL REGISTERS OF ACTION, contain indexed register entries for criminal cases between 1948 and 1990. Series 23737 , REGISTER OF ACTIONS, is a register for criminal and probate cases as well as civil cases from 1895-1899. Series 26247 , INDEX TO CIVIL AND CRIMINAL ACTIONS, is an index for civil and criminal cases from 1896-1937. The researcher should also consult the holdings of the First and Second District Courts, and of the Washington County Probate Court, for criminal case records from Washington County during the territorial period.

CUSTODY HISTORY: All case files created between 1896 and 1955 were transferred to the Utah State Archives in 2005. For access to case files post-1955 researchers should contact the clerk of the Fifth District Court in Washington County.

PROCESSING NOTE: This series was archivally processed by Jim Kichas and Michael McLane in November 2007 as part of a grant project designed to preserve the historic records of Utah's Fifth District Courts.

GAPS IN SERIES: Cases 2, 3, 5, 23, 33, 38, 39, 54, 64, 69, 95, 99, 107, 160, 169, 170, 209, 264, 269, 288, 310, 324, 325, and 400 are missing.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Description	Dates
1	Case Files: 1-24	1896-1907
2	Case Files: 25-72	1907-1918
3	Case Files: 73-125	1918-1925
4	Case Files: 126-177	1925-1930
5	Case Files: 178-240	1930-1937
6	Case Files: 241-301	1937-1941
7	Case Files: 302-376	1941-1950
8	Case Files: 377-418	1950-1955